

TITLE 8 DEVELOPMENT CODE

DIVISION 12: GENERAL DEFINITIONS

CHAPTER 1: Definitions beginning with A.

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812.01005 Access Envelope.

"Access Envelope": An area delineated on the site plan to which all clearing and land disturbance for construction of access must be defined.

Readopted Ordinance 3341 (1989)

812.01010 Access Rights.

"Access Rights": The right, claim, title or privilege of access, by pedestrians or vehicles, or a public road or way.

Readopted Ordinance 3341 (1989)

812.01015 Accessibility for the Disabled

"Accessibility for the Disabled": Accessible services, structure or facilities are those which may be entered and used by individuals despite handicapping conditions. Accessibility also includes responding to the needs of people with sight or hearing disabilities, in addition to those with developmental, activity, manual or mobility impairments, so that they may enjoy the full and free use of those services, structures or facilities.

Readopted Ordinance 3341 (1989)

812.01020 Accessory Building.

"Accessory Building": A subordinate building, the use of which is incidental to that of the main building or main use of the land. The use of an accessory building may be for either a primary or an accessory use allowed by the appropriate Land Use District. An accessory building shall be located on either the same parcel as the main building or main use; or shall be located on a contiguous abutting parcel that is owned by the same owner who owns the parcel which has the main building or use. An accessory building shall always exist in conjunction with and never without a legally established main building or main use that has the same common owner.

Readopted Ordinance 3341 (1989)

812.01025 Accessory Use.

"Accessory Use": A subordinate use, which may be permanent or temporary. The use is incidental and supported by the primary use. Example: A carport or garage for a single family dwelling.

Readopted Ordinance 3341 (1989)

812.01035 Action

"Action": The decision made by the Planning Agency on Land Use Application coupled together with the appropriate findings, environmental determination and Conditions of Approval.

Readopted Ordinance 3341 (1989)

812.01040 Adult Oriented Businesses.

An "Adult Oriented Business" is any business, where employees or patrons expose "specified anatomical areas" or engage in "specified sexual activities", or any business which offers to its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas."

Adult-oriented businesses do not include bona fide medical establishments operated by properly licensed and registered medical personnel with appropriate medical credentials for the treatment of patients.

In determining whether a use is an adult-oriented business, only conduct or activities which constitute a regular and substantial course of conduct shall be considered. Isolated instances of conduct or activities described in this section as characterizing an adult-oriented business shall not be considered except where such activities, taken together, constitute a regular and substantial course of conduct.

Adult-oriented businesses include, but are not be limited to, the following:

(a) Adult Bookstore. An "Adult Bookstore" is an establishment having, as a substantial portion of its stock-in-trade, and offering for sale for any form of consideration, any one or more of the following:

(1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified anatomical areas";

(2) Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities;" or

(3) Goods which are replicas of, or which simulate, "specified anatomical areas", or goods which are designed to be placed on or in "specified anatomical areas", or to be used in conjunction with "specified sexual activities" to cause sexual excitement.

(b) Adult Cabaret. An "Adult Cabaret" is a bar, nightclub or similar establishment which features dancers, strippers, or similar entertainers who expose "specified anatomical areas" of their bodies.

(c) Adult Theater. An "Adult Theater" is any place, building, enclosure or structure, partially or entirely used for live performances or presentations, motion pictures, or pictures or images projected or produced from slides, films, video or other media, including, but not limited to, coin-operated or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors, video screens or other image-producing devices, which place, building, enclosure or structure is used for presenting matter characterized by an emphasis on depicting, exposing, describing or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.

(d) Sexual Novelty Store. A "Sexual Novelty Store" is an establishment having, as a substantial portion of its stock-in-trade, goods which are replicas of, or which simulate, "specified anatomical areas" or "specified sexual activities," or goods which are designed to be placed on or in "specified anatomical areas," or to be used in conjunction with "specified sexual activities," to cause sexual excitement.

Readopted Ordinance 3341 (1989); Amended Ordinance 3465 (1991)

812.01045 Advertising Structure

"Advertising Structure": Any structure of any kind or character erected or maintained for advertising purposes, upon which any advertising sign may be placed, including advertising statuary.

Readopted Ordinance 3341 (1989)

812.01050 Advisory Agency.

See Planning Agency

Readopted Ordinance 3341 (1989)

812.01055 Agriculture.

"Agriculture": The tilling of soil, the raising of crops, horticulture, small livestock farming, dairying or animal husbandry. This includes all uses customarily incidental thereto, except the following: slaughterhouses, feed yards, hog farms, fertilizer works, bone yards, plants for the reduction of animal matter, or any other industrial or agricultural use which is determined by the Planning Commission to be similarly objectionable because of noise, odor, smoke, dust or fumes.

Readopted Ordinance 3341 (1989)

812.01058 Agricultural Commissioner.

"Agricultural Commissioner": Refers to the Agricultural Commissioner of San Bernardino County or his or her designee.

Readopted Ordinance 3341 (1989)

812.01060 Agricultural Grading

"Agricultural Grading": Grading on land designated for exclusive agricultural use.

Readopted Ordinance 3341 (1989)

812.01065 Agricultural Preserve

"Agricultural Preserve": Designated areas of existing, viable and productive agricultural land within which land conservation contracts can be enforced under the provisions of the California Land Conservation Act of 1965 (Williamson Act), to stay in agricultural use for a designated period of time. Under such contracts, the property owner is granted certain tax advantages for the continuation of agricultural use of the land.

Readopted Ordinance 3341 (1989)

812.01070 Agriculture Land, Prime

"Prime agricultural land": shall be any of the following:

- (a) All land which qualifies for a rating as Class I or Class II in the Soil Conservation Service land use capability classifications.
- (b) Land which qualifies for a rating 80 through 100 in the Storie Index Rating.
- (c) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.
- (d) Land planted with fruit or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.
- (e) Land which from the production of unprocessed agricultural plant products has returned an annual gross value of not less than two hundred dollars (\$200) per acre for three of the previous five years.

Readopted Ordinance 3341 (1989)

812.01075 Agricultural Use.

"Agricultural Use": The use of land for the cultivation of food or fiber or the grazing or pasturing of livestock, usually for commercial purposes.

Readopted Ordinance 3341 (1989)

812.01080 Airport or Heliport.

"Airport or Heliport": Any area of land or water designed and set aside for the landing and taking off of any aircraft. An airport or heliport must be utilized in the interest of the public for such purposes, have a valid airport permit from the State of California Aeronautics Division, have airspace clearance as required by the Federal Aviation Agency, and have approval under the County Adopted General Plan of Airports. Military airports are not required to obtain the listed Federal, State, or County approvals.

Readopted Ordinance 3341 (1989)

812.01085 Airport Hazard.

"Airport Hazard": Any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport, or is otherwise hazardous to such landing or taking off of aircraft.

Readopted Ordinance 3341 (1989)

812.01100 Aliquot Part.

"Aliquot Part": The division of sectionalized land, by a series of divisions by one quarter. Such divisions shall not be less than two and one-half (2 1/2) acres or equivalent as allowed by Section 87.0325.

Readopted Ordinance 3341 (1989)

812.01105 Alley.

"Alley": A public thoroughfare, not exceeding thirty (30) feet in width for the use of pedestrians or vehicles, which affords only a secondary means of access to the abutting property.

Readopted Ordinance 3341 (1989)

812.01110 Alquist-Priolo Geologic Hazard Zones Act

"Alquist-Priolo Geologic Hazard Zones Act": Also known as the Alquist-Priolo Special Studies Zones Act of 1972. The purpose of this act is to provide for public safety in hazardous fault zones. The Act requires the delineation of potential damage areas, called "Special Studies Zones," along known active faults throughout California. It requires local governments to withhold approval of construction permits in those zones until geologic investigation has determined that the site is not threatened by surface displacement from future faulting.

Readopted Ordinance 3341 (1989)

812.01115 Anatomical Areas, Specified

"Specified Anatomical Areas": shall include any of the following human anatomical areas:

- (a) Less than completely and opaquely covered genitals, pubic regions, buttocks, anuses or female breasts below a point immediately above the top of the areolae; or
- (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Readopted Ordinance 3341 (1989)

812.01120 Animals, Beneficial or Endangered.

"Beneficial or Endangered Animals":

- (a) BENEFICIAL: Those species which do not contribute to a strain on an ecosystem. They may also serve to eradicate pest species for agricultural or health purposes.
- (b) ENDANGERED: An animal species which has been diminished in quantities sufficiently large enough to raise questions regarding the future propagation of the species.

Readopted Ordinance 3341 (1989)

812.01130 Apartment

"Apartment": A room, or suite of rooms when combined constitute a single dwelling unit in a multiple dwelling structure and which are designed for, intended for, suitable as a residence for, and/or occupied by one family.

Readopted Ordinance 3341 (1989)

812.01135 Applicant.

"Applicant": The property owner(s), or authorized agent of the owner(s) who is legally authorized to act for the owner(s) of record.

Readopted Ordinance 3341 (1989)

812.01140 Approved Access

(a) A dedicated right-of-way to the County of San Bernardino, an easement for public road, County Highway and public utility purposes, of a width as established by the Circulation Element of the County General Plan. The road constructed thereon shall not be brought into the County maintained road system until an unless the Board of Supervisors of the County of San Bernardino, by appropriate resolution, has caused said road to be accepted into the County Road System.

(b) An existing traveled way where a prescriptive right by user has been established for public use by a Court decree.

(c) A traveled way which was in existence prior to 1967, as determined by the County Surveyor. Such traveled way must connect to a publicly maintained roadway and must met each of the following criteria:

- (1) Have all-weather capability for normal passenger car use.
- (2) Be of adequate width to provide two-way vehicular access.
- (3) Be improved and maintained by the use of hand or power machinery or tools in order to allow relatively regular and continuous use. A traveled way maintained solely by the passage of vehicles does not constitute "Approved Access."

Approved Access shall not be approved by the County Surveyor unless the access:

(a) Substantially conforms to the alignment shown in the Circulation Element of the County General Plan or Community Plan where applicable; and

(b) May practically and feasibly be applied to road use. The approved access provisions apply to divisions of land resulting in lots of twenty (20) acres or more.

Readopted Ordinance 3341 (1989)

812.01150 Automobile and Trailer Sales Area

"Automobile and Trailer Sales Area": An open area used for the display and sale or rental of new or used automobiles or trailers, and where repair work is limited to minor incidental repair of those automobiles or trailers to be displayed, rented or sold on the premises.

Readopted Ordinance 3341 (1989)